## **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## **LIGHTING APPARATUS**

The specification of which					
	No				
and was amended of	on(if applie	cable)	•		
I hereby state that I havincluding the claims, as amende				itified speci	fication,
I acknowledge the duty in accordance with Title 37, Co			rial to the examina	tion of this	application
I hereby claim the beneapplication(s) as listed below:	efit under Title 35, Un	ited States Code,	§119(e) of any Un	ited States <sub>I</sub>	provisional
Provisional Application No.		filed on			
I hereby claim foreign application(s) for patent or inve application for patent or invento priority is claimed:	ntor's certificate listed	below and have	also identified belo	w any forei	gn
Prior Foreign Application(s)			P	riorityClair	ned
(Number) (	Country)	(Day/Mont	h/Year Filed)	Yes	No
I hereby claim the bendlisted below and, insofar as the prior United States application is \$112, I acknowledge the duty to Regulations \$1.56(a) which occinternational filing date of this a	subject matter of each in the manner provided disclose material infourred between the filit application:	of the claims of d by the first para ormation as defin ng date of the pri	this application is n agraph of Title 35, I ed in Title 37, Cod- or application and t	ot disclosed United State e of Federal	d in the s Code
10/075,489 09/991,078	February 12, November 16		pending patented		
09/372,643	August 11, 19		patented		
(Application Serial No.)	(Filing Date		Status (patented,	pending, at	oandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith BRIAN N. TUFTE (Reg. No. 38,638), JOHN G. SHUDY, JR. (Reg. No. 31,214), JAMES RODGERS (Reg. No. 48,306), MARK SCHROEDER (Reg. No. 53,566), J. SCOT WICKEM (Reg. No. 41,376), GLENN SEAGER (Reg. No. 36,926), DAVID CROMPTON (Reg. No. 36,772), KRIS T. FREDRICK (Reg. No. 42,554), MATTHEW LUXTON (Reg. No. 41,960) and GREG ANSEMS (Reg. No. 42,264). Address all telephone calls to BRIAN N. TUFTE at telephone number (612) 677,9050.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole	$MM_{\odot}$	
or First Inventor	Brign N. Tufte	
Inventor's Signature	MA MA	Date: March 29, 2004
Residence	den Prairie, Hennepin County	•••
Citizenship	US	
Post Office Address	17488 Wexford Drive	
	Eden Prairie, Minnesota 55347	

## \*Title 37, Code of Federal Regulations §1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.